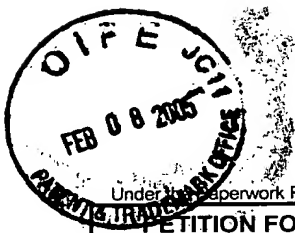


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JW  
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PTO/SB/64 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# **PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
BSZ-008DV

First named inventor: David MARGOLIS

Application No: 09/957031-Conf. #6530

Art Unit: 1636

Filed: September 21, 2001

Examiner: Sullivan, Daniel M.

Title: INTEGRATIVE PROTEIN - DNA COCHLEATE FORMULATIONS AND METHODS FOR TRANSFORMING CELLS

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

## **APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

### **1. Petition fee**

☐ Small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status.  
See 37 CFR 1.27.

☒ Other than small entity – fee \$ 1,500.00 (37 CFR 1.17(m))

### **2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of PETITION FOR THREE MONTH EXTENSION OF TIME (identify type of reply):

☐ has been filed previously on \_\_\_\_\_

☒ is enclosed herewith.

B. The reply and/or fee to the above-noted Office action in the form of FILING A CONTINUATION APPLICATION (identify type of reply):

☒ has been filed previously on January 24, 2005

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## 3. Terminal disclaimer with disclaimer fee

☒

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity  
or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time  
is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

  
Signature

February 8, 2005

Date

Danielle L. Herritt  
Typed or printed name

43,670

Registration Number, if applicable

LAHIVE & COCKFIELD, LLP  
28 State Street  
Boston, Massachusetts 02109

Address

(617) 227-7400

Telephone Number

Enclosures:

☒

Fee Payment

☒

Reply (Petition for Extension of Time)

☐

Terminal Disclaimer Form

☐

Additional sheets containing statements establishing unintentional delay

☐

Other: \_\_\_\_\_

Page 2 of 2

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 466 143 252 US, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: February 8, 2005

Signature: 

(Danielle L. Herritt)